

From: Duffy, Bob W Mr USAMISSA
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/7/02 9:29pm
Subject: Microsoft Settlement.

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CC: Duffy, Bob W Mr USAMISSA

To the DOJ:

1. I have always been opposed to the DOJ anti-trust case against Microsoft. Reference my pervious comments in my letter to President Bush (below).

2. I have always been opposed to the actions of the 9 states that are seeking remedies above those which the majority of the states and the Federal Government agreed to in the initial settlement agreement.

3. I am adamantly opposed to any further escalation in the remedies imposed upon Microsoft via any means.

4. With respect to the 9 states that did not agree to the initial settlement:

- they represent a MINORITY faction considering...
 - only 19 of 50 states joined the DOJ suite (Texas dropped out)
 - 38% of the 50 states sued
 - 62% of the states did NOT sue
 - only 9 states opposed the settlement...
 - 18% of the 50 states
 - 47% of the 19 states that remained a party to the DOJ suite
 - 82% of the states either did not sue or were in agreement with the settlement

Conclusion: The DOJ and 82% of the 50 states favored the settlement... 18% of the states did not.

My position on this matter: The court should approve the settlement that the DOJ and 10 states have agreed to.

Sincerely,

Robert W. Duffy
7811 Pinebrook Dr
San Antonio, TX 78230-4810

My letter to President Bush:

Dear President Bush:

I am becoming increasingly displeased with the prolonged attack by the state and federal governments on the behalf of Microsoft competitors via the misguided antitrust suite initiated by the Clinton Administration. Not satisfied to remain within the scope of the current bogus allegations, the states are once again attempting to muddy the waters with complaints and allegations antitrust violation claims directed against the next generation of innovative products that are beneficial to the consumer... Windows XP and .net.

The only reason the antitrust case got past the district court level was because David Boise was able to befuddle a senile, computer illiterate district court judge who placed more emphasis on his personal biases than the hard facts relating to a rapidly changing technological revolution. His biggest complaint against Microsoft was the belligerent attitudes of the MS executives - they were justified in being belligerent solely on the basis that their valuable time was

being wasted in court defending themselves against the Govt bullies and their state cronies and competitors (the same competitors who had to resort to Govt subsidized competition because they had already lost the battle in the open market place).

I have personally experienced the technology evolution. By profession I am classified as a computer specialist. My background includes programming and systems analysis and development - beginning in 1971. I have lived the transition from the mainframe to the desktop PC to the networked PC to the WEB / .com explosion. Anyone with similar experience can attest to the incompatibility nightmares of the early transition from centralized processing on the mainframe to the total chaos of incompatible hardware and software on the desktop linked by only the "sneaker net" of hand carried (or snail mailed) 360 KB 5 1/4 in floppy disks. There was no interoperability, compatibility or common operating standards. There were no standard networking environments... this is another story but one that has a good ending - at least the Govt didn't try to legislate the innovation out of it as it is attempting to do to Microsoft.

Microsoft observed this inefficiency in the market place and listened to the anguish of the early PC users and developed a strategy that made things easier for the end user... the computer novice - the average consumer that did not want to have to become a techno guru to get something done. Microsoft transformed the PC into a tool that provided value to the consumer by enabling the consumer to be more productive via a user friendly environment - Hardware, Operating system and an interoperable suite of productivity oriented software. This constant focus on integration for the betterment of the end user experience is why Microsoft has evolved to being the 800 pound gorilla of the desktop... because the consumers did not want the "best mousetrap ever built" - they wanted one that was easy to set and could actually catch mice.

In my own personal evolution I have been exposed to almost all of Microsoft's competitors' products... Word Perfect, Lotus 123, notes, ccmail... Sun Solaris, Unix.. Novell, Apple, IBM PC DOS, OS/2... Harvard Graphics... Correll Draw... All good products but one almost had to become a PC techno-nerd-geek to get something done and God help you if you had to get one product to read something from a different product that had been sent to you via an email attachment... provided your email was compatible with the sender's email. These were the days when you had to have that young pimple faced smart aleck "go to guy" that knew the option... or setting... or the right format conversion... and what was most irritating is the fact he got the fix or the Utility program some somewhere that only the true nerd-geeks-who-didn't-have-life-outside-of-his (always a "he" - never a "she")-pc knew about.

In short, Microsoft's competitors were 100% focused on the best whiz banged techno solutions and products in a market that was evolving into a consumer commodity world - the consumer wanted something that was easy to use, did something of value, something that could be done again (repetitive) without taking notes, and something that did not break (reliable) - Microsoft listen to and satisfied the needs of the people who were out there... the consumers. Their competitors lost sight of this and have suffered the fate of many who, in the past, did not see the handwriting on the wall... how many buggy whip companies are left??? what about those Beta formatted VCR tapes... how many 8-Track tapes are there?

When Microsoft got the PC and the Work Stations hitting on all cylinders with Windows 3.x... Windows95... they ported the same user-friendly operating system with the same GUI and "point and click" behavior to the Server platform... What a concept??? take something that everyone is already familiar with on the PC and stick with it... don't reinvent the wheel, don't try to razzle-dazzle people with new

whiz bang OS, directory systems, commands and super cool behavior... stick with the KISS approach... Keep It Simple Stupid! This approach is why Microsoft is the dominant computer Software, internet and networking solutions provider in the world - it has nothing to do with anti-competitive behavior. As some who has professionally evolved along with Microsoft I'd like to share with you some interesting personal observations... early in the game when Microsoft was coming out with their 1st generation products intentionally designed to be simple and easy to use - these same competitors (and a few that aren't around any more) actually snickered and ridiculed Microsoft's feeble attempts at trying to compete with their hot shot best of class leading edge (bleeding edge??) technology... I have had sales reps tell me personally that Microsoft could not compete with their products... where did all the IBM OS/2 PCs go??? Has UNIX vi replaced MS editors... where did Netware go??? All of these products failed... not because they were inferior but because they did not focus on the needs of their markets... the changes in the market place - and most importantly, because of their hatred for Microsoft they purposely omitted Microsoft friendly interoperability features... at their peril.

Today we observe the US Justice department still engaged in a punitive action against a company that has succeeded in a market place seething with competitors who's primary objective was to crush Microsoft... all one has to find out who they were is read the list of the companies who testified on behalf of the Justice department. Most of the states involved are the home states of these same MS competitors. There is not a single individual, private company, local, state or Federal Govt agency that does not reap the benefits of Microsoft's innovative technology on a daily basis.

Now that we are in this WAR on Terrorism, I ask of my elected officials to observe just how similar the behavior of those against Microsoft is to that of the terrorists is to the global symbol of freedom... it seems that any one, any company, any nation that attains the pinnacle of success and become an icon of something good and successful becomes a target to those who have failed. I find it very disturbing that the Bush administration has not put a stop to the persecution of Microsoft that seemed to be the "Jihad" of the Clinton Justice department.

Given the situation we are in, the government should be appreciative of the fact that Microsoft has evolved as the PC and networking standard - one that the Govt can embrace and turn to for the propose of securing America's information highway... Microsoft has the technology and because it has become the de facto "standard" security strategies can easily be designed around this technology... rather than wasting valuable Microsoft resources in a protracted ill-advised anti-trust battle, the federal and state leadership should embrace Microsoft as a valued partner in the "War on Terrorism".

Sincerely,
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